APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,122	12/11/2001	Ragavan Subramanian	2100552-991111	4022

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EXAMINER
LASTRA, DANIEL

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/014,122	SUBRAMANIAN ET AL.
		Examiner	Art Unit
		DANIEL LASTRA	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 April 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

1.   Claims 1-34 have been examined. Application 10/014,122 (SYSTEM AND METHOD

FOR MANAGING AND UTILIZING LOCATION AND TIME-BASED INFORMATION) has a filing

date 12/11/2001 and Claims Priority from Provisional Application 60255048

(12/11/2000).

Claim Objections

2.   The numbering of claims is not in accordance with 37 CFR 1.126 which requires

that when new claims are presented, they must be numbered consecutively beginning

with the number next following the highest numbered claims previously presented

(whether entered or not). Misnumbered claims 26-33 have been renumbered to claims

27-34. Renumbered claim 32 has been made dependent of renumbered claim 31.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 1-34 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. For a claimed invention to be statutory, the

claimed invention must produce a useful, concrete, and tangible result. In the present

application, claims 1-34 do not recite a "useful, concrete and tangible result". Said

claims only recite data types, data records, time and location without a "useful, concrete

and tangible result".

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "to create relationships between said data types and records, and to perform location intersect queries for quickly retrieving data records". For purpose of art rejection, said limitation would be interpreted as targeting advertisements by user's geographic location. Claim 2 recites "perform said location intersect queries by determining an overlap between a first data record in a first location hierarchy and at least one second data record in a second location hierarchy". For purpose of art rejection said limitation would be interpreted as targeting advertisements by user's geographic location. Claim 5 recites "wherein said time may be selectively defined as fixed, relative to a user, and relative to said system, and to further perform queries for quickly retrieving said data records based upon time". For purpose of art rejection, said limitation would be interpreted as targeting advertisements based upon time of day. Claim 6 recites "as a dynamic rule that is embedded into the data record and that includes at least one variable, and wherein said system is further adapted to perform queries that run said dynamic rules in order to quickly retrieve data records". For purpose of art rejection, said limitation would be interpreted that advertisers enters rules to specify how users are to be targeted with advertisements. Claim 8 recites "wherein products are defined by a second data type, and wherein a relationship is created between said first and second data types, thereby associating products to stores". For purpose of art rejection, said limitation would be interpreted as targeting advertisements based upon stores and users geographic location.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz

(US 6,571,279).

As per claim (1), Herz teaches:

A system for managing and utilizing location-based information, said system

being adapted to create a plurality of interrelated location hierarchies, to create a

plurality of data types each having user-definable attributes (see col 2, lines 40-50), to

create data records within said plurality of data types by providing values for said user-

definable attributes (see col 8, lines 50-60), to map said data records into said location

hierarchies (see col 11, lines 40-60), to create relationships between said data types

and records, and to perform location intersect queries for quickly retrieving data records

(see col 25, lines 5-40).

As per claim (2), Herz teaches:

The system of claim 1 wherein said system is adapted to perform said location

intersect queries by determining an overlap between a first data record in a first location

hierarchy and at least one second data record in a second location hierarchy (see col 25, lines 5-40).

As per claim (3), <u>Herz</u> teaches:

The system of claim 1 wherein said system is adapted to perform said location intersect queries by determining an overlap between a first data type in a first location hierarchy and at least one second data type in a second location hierarchy (see col 25, lines 5-45).

As per claim (4), <u>Herz</u> teaches:

The system of claim 1 wherein said system is adapted to perform said location intersect queries by determining an overlap between a first data type in a first location hierarchy and at least one first data record in a second location hierarchy (see col 25, lines 5-45).

As per claim (5), <u>Herz</u> teaches:

The system of claim 1 wherein said system is further adapted to associate each of said data records with a time, wherein said time may be selectively defined as fixed, relative to a user, and relative to said system, and to further perform queries for quickly retrieving said data records based upon time (see col 18, lines 24-32).

As per claim (6), <u>Herz</u> teaches:

The system of claim 1 wherein each of said attributes may be defined as fixed or as a dynamic rule that is embedded into the data record and that includes at least one variable, and wherein said system is further adapted to perform queries that run said dynamic rules in order to quickly retrieve data records (see col 18, lines 5-15).

As per claim (7), Herz teaches:

The system of claim 1 wherein said system is adapted for use in a retail environment and wherein said plurality of interrelated location hierarchies comprises:

an advertising hierarchy for mapping promotions to particular marketing areas (see col 25, lines 5-45);

a geographic hierarchy containing uniform postal codes (see col 25, lines 35-40); and

a distribution hierarchy for mapping stores to particular distribution areas (see col 25, lines 25-40).

As per claim (8), Herz teaches:

The system of claim 7 wherein said stores are defined by a first data type, wherein products are defined by a second data type, and wherein a relationship is created between said first and second data types, thereby associating products to stores (see col 25, lines 5-40).

As per claim (9), Herz teaches:

The system of claim 8 wherein said relationship between said first and second data types includes an extended attribute representing inventories of said products within said stores (see col 25, lines 20-25).

As per claim (10), Herz teaches:

A system for managing and utilizing time-based information, said system being adapted to create a plurality of data elements which may each be associated with a time, wherein said time may be selectively defined as fixed, relative to a user, and

relative to said system, and to perform queries for quickly retrieving data elements based upon time (see col 18, lines 22-30).

As per claim (11), <u>Herz</u> teaches:

The system of claim 10 wherein each of said data elements includes a plurality of user definable attributes, wherein each of said attributes may be defined as fixed or as a dynamic rule that is embedded as part of the data element and that includes at least one variable, and wherein said queries are adapted to run said dynamic rules in order to quickly retrieve data elements (see col 18, lines 5-12).

As per claim (12), <u>Herz</u> teaches:

The system of claim 11 wherein said system is further adapted to create a plurality of interrelated location hierarchies, to map said data elements into said location hierarchies, to create relationships between said data elements, and to perform location intersection queries for quickly retrieving data elements (see col 25, lines 20-40).

As per claim (13), <u>Herz</u> teaches:

A system for managing and utilizing location and tune-based information, said system being adapted to create a plurality of data elements each including a plurality of user-definable attributes, wherein each of said attributes may be defined as fixed or as a dynamic rule that is embedded as part of the data element and that includes at least one variable, and to perform queries that run said dynamic rules in order to quickly retrieve data elements (see col 18, lines 5-12).

As per claim (14), <u>Herz</u> teaches:

The system of claim 13 wherein said at least one variable comprises time (see col 18, lines 22-26).

As per claim (15), Herz teaches:

The system of claim 13 wherein said at least one variable comprises location (see col 18, lines 22-26).

As per claim (16), Herz teaches:

A system for managing and utilizing location and time-based information comprising:

a first portion adapted to receive location information, and to create a plurality of interrelated location hierarchies based upon said location information (see col 25, lines 5-45);

a second portion adapted to receive content information, and to create a plurality of content types based upon said content information, each of said content types including a plurality of attributes (see col 5, lines 15-35);

a third portion adapted to receive relationship information, and to create relationships between different content types (see col 11, lines 40-60);

a fourth portion adapted to create data records within said plurality of content types, by providing values for attributes of said content types (see col 11, lines 40-60);

a fifth portion adapted to associate said data records to locations within said plurality of interrelated location hierarchies (see col 25, lines 5-45); and

a sixth portion adapted to receive location and time-based queries and to retrieve relevant data records, based upon said queries (see col 18, lines 24-30).

As per claim (17), Herz teaches:

The system of claim 16 wherein said fourth portion is adapted to define attributes by use of micro-rules, which allow the value of said attributes to vary based upon at least one variable, and wherein said sixth portion is adapted to run said micro-rules to perform said queries (see col 18, lines 5-15).

As per claim (18), Herz teaches:

The system of claim 17 wherein said at least one variable comprises time (see col 18, lines 22-30).

As per claim (19), Herz teaches:

The system of claim 17 wherein said at least one variable comprises location (see col 18, lines 22-30).

As per claim (20), Herz teaches:

The system of claim 16 further comprising:

a seventh portion adapted to create macro-rules that are applied to data records returned from a query (see col 18, lines 5-15).

As per claim (21), Herz teaches:

The system of claim 20 wherein said macro-rules are adapted to arrange said data records in a user-selectable format (see col 25, lines 55-60).

As per claim (22), Herz teaches:

The system of claim 16 wherein said system is adapted for use in a retail environment and wherein said plurality of interrelated location hierarchies comprises:

an advertising hierarchy for mapping promotions to particular marketing areas (see col 25, lines 5-55);

a geographic hierarchy containing uniform postal codes (see col 25, lines 5-55); and

a distribution hierarchy for mapping stores to particular distribution areas (see col 25, lines 5-55).

As per claim (23), Herz teaches:

The system of claim 22 wherein said stores are defined by a first data type, wherein products are defined by a second data type, and wherein a relationship is created between said first and second data types, thereby associating said products and said stores (see col 25, lines 5-55).

As per claim (24), Herz teaches:

The system of claim 23 wherein said relationship between said first and second data types includes an extended attribute representing inventories of said products within said stores (see col 25, lines 20-25).

As per claim (25), Herz teaches:

A method for managing and utilizing location and time-based information comprising the steps of creating a plurality of interrelated location hierarchies (see col 25, lines 5-45);

creating a plurality of data types each having user-definable attributes (see col 2, lines 40-50);

creating data records within said plurality of data types by providing values for said user definable attributes (see col 25, lines 5-65);

mapping said data records into said location hierarchies (see col 25, lines 5-65);

creating relationships between said data types and records (see col 25, lines 5-65); and

performing location intersect queries for quickly retrieving data records (see col 25, lines 5-65).

As per claim (26), Herz teaches:

The method of claim 25 further comprising the steps of associating at least one of said data records with a time, wherein said time may be selectively defined as fixed, relative to a user, and relative to said system and performing queries for quickly retrieving said data records based upon time (see col 11, lines 40-60).

As per claim (27), Herz teaches:

The method of claim 25 wherein each of said attributes may be defined as fixed or as a dynamic rule that is embedded into the data record, and further comprising the step of performing queries that run said dynamic rules in order to quickly retrieve data records (see col 16, lines 1-7).

As per claim (28), Herz teaches:

The method of claim 26 wherein at least one of said dynamic rules is time-based (see col 11, lines 40-60).

As per claim (29), Herz teaches:

The method of claim 26 wherein at least one of said dynamic rules is location-based (see col 25, lines 5-65).

As per claim (30), Herz teaches:

The method of claim 26 further comprising the step of creating macro-rules that are applied to data records returned from a query, said macro rules being adapted to change the value of attributes of said returned data records based upon business logic within said macro-rules (see col 16, lines 1-20).

As per claim (31), Herz teaches:

A method for managing and utilizing location and time-based information comprising:

receiving location information from a user (see col 25, lines 5-55);

creating a plurality of interrelated location hierarchies based upon said location information (see col 25, lines 5-55),

receiving data from a user, creating a plurality of data types each including a plurality of attributes, based upon said data (see col 25, lines 5-55);

creating relationships between different data types (see col 25, lines 5-55);

creating data records within said plurality of data types, by providing values for attributes of said plurality of data types (see col 25, lines 5-55);

associating said data records to times and to locations within said plurality of interrelated location hierarchies (see col 11, lines 40-60);

receiving location and time-based queries and retrieving relevant data records, based upon said queries (see col 11, lines 40-60).

As per claim (32), <u>Herz</u> teaches:

The method of claim 31 further comprising the steps of:

defining attributes by use of micro-rules, which allow the value of said attributes to vary based upon at least one variable (see col 16, lines 1-10); and

running said micro-rules while performing said queries in order to quickly retrieve said data records (see col 18, lines 5-30).

As per claim (33), <u>Herz</u> teaches:

The method of claim 31 further comprising the step of creating macro-rules that are applied to data records returned from a query, said macro rules being adapted to change the value of attributes of said returned data records based upon business logic within said macro-rules, which is based upon an input selected from the group consisting of time and location (see col 18, lines 5-30).

As per claim (34), <u>Herz</u> teaches:

The method of claim 31 further comprising the step of creating macro-rules for arranging said data records in a user-selectable format (see col 25, lines 55-65).
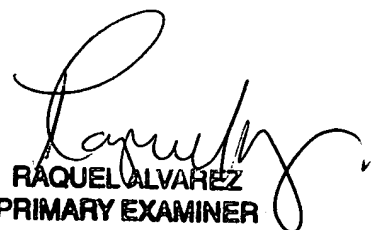
Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Lastra
September 4, 2006

RAQUEL ALVAREZ
PRIMARY EXAMINER